

State of New Jersey

CHRIS CHRISTIE

Governor

KIM GUADAGNO Lt. Governor DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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JENNIFER VELEZ

Commissioner

VALERIE HARR
Director

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

C.D.,

PETITIONER.

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DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

GLOUCESTER COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 13738-14

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision is March 19, 2015 pursuant to an Order of Extension.

For the reasons which follow, I hereby ADOPT the recommended decision affirming the denial of continued New Jersey Care program benefits WITH CLARIFICATION. If the Social Security Administration determines that an individual is disabled for social security purposes (i.e., he or she is receiving

disability insurance benefits), that individual is considered automatically eligible for Medicaid benefits. If the Social Security Administration denies an application for disability benefits, DMAHS is bound by this determination for twelve months. See N.J.A.C. 10:71-3.11(c). In other words, this regulation renders binding on the Medicaid program a finding of disability made by the Social Security Administration at any time and a finding of no disability made by the Social Security Administration for twelve months. In this case, the Social Security Administration has not made a final determination because Petitioner has appealed the Social Security Administration's disability denial and is waiting for a decision on this issue. Because Petitioner has a pending disability appeal with the Social Security Administration I disagree with the ALJ that it would be appropriate for DMAHS' Medical Review Team to make an independent disability evaluation at this point.

In order to avoid inconsistent determinations between the State and federal agency and to afford deference to the federal agency, it is reasonable to wait until the Social Security Administration renders a decision on the appeal. Should the Social Security Administration uphold the disability denial on appeal, a new application may be submitted to the Medical Review Team twelve months from the Social Security Administration's decision.

Significantly, regardless of the appeal with the Social Security Administration, it appears that Petitioner qualifies for benefits under Medicaid Expansion, with a benefit package that is comparable to what he would receive if he qualified for benefits on the basis of a disability.

THEREFORE, it is on this 27 day of February 2015,

ORDERED:

That Gloucester County's decision to deny continued New Jersey Care program benefits Petitioner's benefits based on the Social Security Administration denial of disability is affirmed, and

IT IS FURTHER ORDERED:

That the County shall evaluate Petitioner's eligibility for benefits under Medicaid Expansion.

Valerie J. Harr, Director Division of Medical Assistance

and Health Services